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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,433	09/18/2006	Guenter Becker	12604/29	9896
26646 7590 03/07/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
DUDA, RINA I				
ART UNIT		PAPER NUMBER		
2837				
MAIL DATE		DELIVERY MODE		
03/07/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/593,433

**Applicant(s)**

BECKER ET AL.

**Examiner**

Rina I. Duda

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 12/7/07 have been fully considered but they are not persuasive. With respect to applicant's argument that the supplied lines are not connected to the motor, Lipo et al clearly shows in figures 1 and 2 how the power lines 33/34 are connected to the motor through inverter 45. Therefore, the applied prior anticipates the broadly recited subject matter of the pending claims.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 10-18, 20, 22-23, 30, and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Lipo et al (US Patent 6031738).

Claims 10, 22, 30, Lipo et al describe a control system for an electromotor comprising an electromotor 47; an output stage 45 connected to the motor; and a brake connected to the supply lines by at least one capacitor 36-38.

Claims 11 and 23, Lipo et al describes the output stage as an inverter in column 6 line 23.

Claim 12, Lipo et al describe using PWM in column 8 lines 38-45.

Claims 13, 15, 17, and 33, Lipo et al describes the brake being activated in accordance with a long lasting occurrence of at least one of DC voltage or zero voltage on the supply lines see figure 2 and corresponding description.

Claims 14, 16, 18, and 34, Lipo et al describes transmitting a brake torque to the shaft of the motor.

Claim 20, Lipo et al describe the brake control is connected to the power lines of the motor by three capacitors 36-38.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lipo et al (US Patent 6031738).

Claim 21, Lipo et al discloses the claimed invention except for a brake control connected to supply lines by two capacitors in a two-phase supply. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two capacitors connected to the supply lines, since it has been held that the provision of adjustability where needed, involves only routine skill in the art. In re Stevens, 101 USPQ 284 (CCPA 1954).

6. Claims 19, 24-29, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipo et al (US Patent 6031738) and Chmiel (US Patent 5892341).

Claims 19, 24-27, and 31-32, the difference between Lipo et al and the subject matter of claim 19 is that Lipo et al do not teach a brake system using a brake coil. However, Chmiel describes a motor control system comprising a brake system for the motor including coil 14. Therefore, it would have obvious to one person of ordinary skill in the art at the time of the invention was made to use a coil to stop/brake the motor, since brake coils provide the system with a quick and inexpensive way to stop the rotation of the motor.

Claim 28, Lipo et al describes the brake being activated in accordance with a long lasting occurrence of at least one of DC voltage or zero voltage on the supply lines see figure 2 and corresponding description.

Claim 29, Lipo et al describes transmitting a brake torque to the shaft of the motor.

**7. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rina I. Duda whose telephone number is 571-272-2062.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rina I Duda/

Primary Examiner, Art Unit 2837